

**Notice of Allowability**

Application No.

10/046,026

Examiner

Michael N. Opsasnick

Applicant(s)

COHEN ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 3/5/07.
2. ☒ The allowed claim(s) is/are 1,3-12,15-19,29,61-81.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Michael N Opsasnick

  
Primary Examiner, AU2626

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment to the claims, filed 6/7/2006, has been reviewed for negative limitations. Under the guidance of MPEP 2173.05(i), the amended claim language has been found to be definite under 35 US 112 2<sup>nd</sup> paragraph since the boundary of the negative limitation ('not uniquely identify the person, the communication device or any user account'; 'not based on the meaning of any speech or the failure to recognized any speech during the dialog') is definite.

### ***Allowable Subject Matter***

2. Claims 1,3-12,15-19,29,61-66 are allowed over the prior art of record.

3. The following is a statement of reasons for the indication of allowable subject matter:

As per the independent claims, the claim limitations pertaining to call routing based on dialog characteristics, wherein the call routing is independent of user information, user identity, device characteristics, mis/unrecognized speech, nor the meaning of the recognized speech, is not explicitly taught by the prior art of record. With respect to the prior art of record, Ladd et al (6493671) teaches providing user information into a speech enabled system (abstract, col. 15 lines 30-45)), with applications leading to a network (Fig. 3 & 4). Ladd et al (6493671) also teaches a method of facilitating interaction between a human user and a processing system, the

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method comprising (as voice recognition interactive computer system (col. 11 lines 10-36); using the recognized speech to determine which URL, IP, or page request to go to (col. 11 lines 30-35)); Ladd et al (6493671) also teaches “selecting a destination to which the call should be routed” as routing the call based upon the result of the VRU (col. 8 lines 55-67). Garberg et al (5724481) teaches call routing to an attendant when there is a failure to produce a speech match – col. 3 lines 20-35; the templates that are stored in Garberg et al (5724481) are a compilation of examples of characterization of dialogs over time (and updated) – col. 7 line 50 – col. 8 line 16); along with the speech characteristic is speech information that is distorted by pronunciation or poor channel quality – col. 3 lines 19-23). However, none of the prior art of record explicitly teaches call routing based on dialog characteristics, wherein the call routing is independent of user information, user identity, device characteristics, mis/unrecognized speech, nor the meaning of the recognized speech. Furthermore, it would not have been obvious to one of ordinary skill in the art of speech recognition to modify the teachings of the prior art of record to obtain the recited limitations of the claim limitations as noted above.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno



primary examiner

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05/21/07